

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13284 of Estate of William Cohen, Joseph Ginberg, Executor, pursuant to Paragraph 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-C District at the premises 2318-24 G Street, N.W., (Square 43, Lots 846 and 847).

HEARING DATE: September 10, 1980
DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The permit to operate the subject parking lot expired on December 28, 1979. The applicant had been advised by the Zoning Inspection Branch by letter of November 7, 1979 of the expiration date and was further advised to file a new application with the BZA before the expiration date. The subject application was filed on April 30, 1980.

2. On June 3, 1980 and June 18, 1980 the applicant was advised by the office of the Zoning Secretariat that the application was defective in that the applicant had not submitted three photos of the subject property and a copy of the letters testamentary to Joseph Ginberg, Executor of the Estate of William Cohen.

3. A portion of this parking lot was established in 1970 by BZA Order 10344. The lot was added to and consolidated into two tax lots, 846 and 847, in December of 1977 as set forth in BZA Order No. 12444. There were three interim applications regarding this property. Application No. 10512 dated September 16, 1970, to establish a parking lot on Lot 846 was dismissed for lack of prosecution, Application No. 11013, dated January 18, 1972 was withdrawn without prejudice until parking and landscaping plans were provided, and Application No. 11869, dated February 11, 1976 was denied for failure to provide the Board with needed information.

4. The parking lot occupies the western quarter of Square 43 and abuts Virginia Avenue, 24th Street and G Street, N.W. The lot is approximately 13,000 square feet in area and accommodates approximately eighty vehicles. The eastern half of the parking lot, Lot 846, is roughly five to eight feet above the grade of Lot 847 and separated from it by a retaining wall.

5. The lot is adjoined on the east by a series of two and three story row dwellings. The lot also adjoins a liquor store and the rear yards of row dwellings which front on Virginia Avenue. Across Virginia Avenue from the site is Columbia Plaza and across G Street is the St. Mary's Court Apartments and a George Washington University parking lot. The subject parking lot lies within the boundaries of the George Washington University Campus Plan. West of 24th Street and south of Virginia Avenue is SP-2 zoning while the site and the bulk of the remaining immediate area is zoned R-5-C.

6. The parking lot is operated by Monument Parking Inc., between 7:30 a.m. and 6:30 p.m., Monday through Saturday and is attended.

7. The lot is paved, lined, and was free of trash and debris at the time of site inspection by the Office of Planning and Development.

8. A hedge and grass border the lot on the street frontages. The shrubbery and grass was in good condition but in need of trimming at the time of field inspection. Some litter was observed on the public space and under the shrubbery at the intersection of 24th Street and Virginia Avenue. At the time of field inspection cars were parked in front of the driveway off Virginia Avenue leaving G Street the only access to the lot.

9. According to the applicant the lot serves primarily the workers in the area and George Washington University staff and students.

10. The revised George Washington University Campus Plan calls for Phase III development in this location but no specific use has been designated, and the University does not own the property.

11. The applicant testified that the Estate of William Cohen is in the stage of a final accounting and that it was anticipated that the legatees of the Estate, who are adults, will develop in approximately two years the subject site with a medium size high-rise apartment house.

12. The Office of Planning and Development, by report dated August 29, 1980 reported that all conditions of the Board's previous order on this parking lot appear to have been complied with including the landscaping and access requirements. There are no commercial advertising signs on the property except one advertising the parking rates. The OPD was of the opinion that, if G Street is used as the sole access to the lot, no dangerous or otherwise objectionable traffic conditions will result from the use of this lot. The OPD did not believe that the operation of this lot will

be detrimental to the neighborhood provided the lot is kept free of trash and debris and that all fencing, hedges and grass are properly maintained as they appear to have been since the last approval. The OPD cautioned the applicant that the hedge and grass should be trimmed regularly to insure that it does not become overgrown or unsightly. The Board concurs except as to the time period of the grant.

13. Pursuant to Paragraph 3104.44 of the Zoning Regulations the application was referred to the Department of Transportation for its review and report. No reply was received at the time of the public hearing.

14. There was no opposition to the application at the public hearing or of record.

15. Advisory Neighborhood Commission 2A made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that except for the trimming of the hedge and grass border and some litter scattered on the public space around the parking lot, the applicant has satisfied the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board further concluded that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board notes the history of difficulties it has had with the subject property. It cautions the applicant to be more responsive to the maintenance of the lot and in filing and prosecuting an application before the Board.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- (a) Approval shall be for a period of TWO YEARS from the date of the expiration of the previous Certificate of Occupancy, namely, December 28, 1979.
- (b) The only entrance and exit shall be from "G" Street.
- (c) All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- (d) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

- (e) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- (f) All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- (g) No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- (h) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-1 (Connie Fortune, Theodore F. Mariani, Charles R. Norris and Leonard L. McCants to grant, William F. McIntosh opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS